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SECURITY INFORMATION

Subject

322

1953

OGC HAS REVIEWED.

COA/DD/P

29 May 1953

Mr. S. M. Hines

Office of General Counsel

25X1A

Claim for Reimbursement - Hardship Case,

REFERENCE: Memorandum from [redacted] to COA/DD/P dated 30 December 1952, with supporting documents forwarded by covering memorandum from DD/P-ADMIN to OGC, dated 24 February 1953.

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1. The referenced covering memorandum requests the opinion of this office concerning the claim for reimbursement of Mr. [redacted] for maintenance of separate residence during the period 2 November until 1 December 1952, \$85.00; transportation of his wife from Madison, Wisconsin, to Washington, D. C., \$56.70; and packing and shipping household effects from Wisconsin to Washington, D. C., \$111.70. Although these expenses may seem burdensome, under existing law and regulations they are considered personal expenses and can not properly be reimbursed by the Government.

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2. According to the travel order No. EH-OPC-158/53, dated 14 October 1953, [redacted] was authorized shipment of effects and automobile, and travel of dependant wife. Dependents (wife) were to travel within one year. Itinerary was stated to be Washington, D. C. to [redacted] for permanent change of station, with travel to begin on or about 6 November 1952 and terminate on arrival overseas.

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3. Upon notification of overseas assignment and completion of processing, shots, etc., [redacted] took two weeks annual leave, beginning 22 October 1952, in order to move his wife and household furnishings to Madison, Wisconsin, their legal residence. By the orders, his wife was to follow overseas at a later date. Upon return to Washington his travel was delayed and the assignment to the [redacted] was finally cancelled on 1 December 1952. In order to reestablish his home in Washington, it was necessary to return his wife and to have his household effects shipped back to Washington from Wisconsin.

4. Section 7.1 of the Standardized Allowance Regulations defines separation allowance as:

"...an allowance...to assist an officer or employee who is compelled by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his

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post abroad or for the convenience of the Government to meet the additional expense of maintaining his wife... elsewhere than in his country of assignment..."

5. As is evidenced by the fact that no claim is made for reimbursement for the cost of shipping the household goods to Wisconsin, movement of those goods and his wife to their permanent residence was a matter of personal desire and convenience, that she might wait "at home" for approval of her travel to the overseas station. Such travel was not contemplated nor authorized by the orders for permanent change of station.

6. Were the situation to be presented where the employee continued on overseas under the orders cited above, such travel expenses as are now claimed would not be proper for payment. Travel of the wife and shipment of the household effects would be limited to the direct route of travel between the posts of assignment.

7. The subject claim, however, does not relate itself to the normal governmental standards set forth above. It is presented as a claim of hardship for determination under Agency authority for the expenditure of funds without regard to the provisions of law and regulations relating to the expenditure of Government funds.

8. This unique authority, granted C.I.A. for the expenditure of funds, was granted by Congress for the purpose of carrying out the unusual functions of the Agency as contained in Section 102(a) of the National Security Act of 1947; Section 7 of Public Law 110; and the residual authority of the Director relating to "objects of a confidential, emergency or extraordinary nature" contained in Section 10(b) of Public Law 110.

9. Although the action taken by [REDACTED] to move his wife and goods to Wisconsin may have been generated by his impending assignment and later frustrated by the cancellation of the assignment, the expenses incurred were for personal benefits and, as such, were not related to the functions of the Agency. [REDACTED]

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